



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

DISMISSED WITH PREJUDICE: May 3, 2007

CBCA 674

VAXGEN, INC.,

Appellant,

v.

DEPARTMENT OF HEALTH AND HUMAN SERVICES,

Respondent.

Kevin P. Mullen of Cooley Godward Kronish LLP, Washington, DC, counsel for Appellant.

Daniel J. Barry and Jonathan A. Baker, Office of the General Counsel, Department of Health and Human Services, Washington, DC, counsel for Respondent.

KULLBERG, Board Judge.

ORDER

VaxGen, Inc. appealed on March 15, 2007 the contracting officer's December 19, 2006 decision that terminated for default its right to further proceed under its contract with the Department of Health and Human Services.

On April 30, 2007, the Board received the parties' joint motion for dismissal. Under the terms of the settlement agreement the parties executed on April 3, 2007, they have requested that the Board dismiss this appeal with prejudice.

This appeal is hereby **DISMISSED WITH PREJUDICE.**

H. CHUCK KULLBERG
Board Judge